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TT4244

PATENT

- 1 -

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 19 2003
OFFICE OF PETITIONS

In re Application of: Mann et al.

Serial No.: 09/879,256

Filed: June 11, 2001

Group Art Unit: 2152

Before the Examiner: To Be Assigned

Title: APPARATUS FOR DELIVERY OF MULTIPLE MEDIA
DATA STREAMS, AND METHOD THEREFOR**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. §1.137(b)**

1. Applicants are concerned that this application became abandoned or will become abandoned since Applicants used the original form PTO/SB/36 (rev. 11-00) to rescind a previous nonpublication request.

2. Applicants had relied upon the United States Patent and Trademark Office's ("USPTO's") original form PTP/SB/36 (rev. 11-00) to both rescind the previous nonpublication request pursuant to 35 U.S.C. §122(b)(2)(B)(ii) and 37 C.F.R. §1.213(b) as well as to provide notice of such foreign filing pursuant to 35 U.S.C. §122(b)(2)(B)(iii) and 37 C.F.R. §1.213(c). However, the USPTO has since provided notice that original form PTP/SB/36 (rev 11-00) was deficient in that it did not provide notice of foreign filing under 35 U.S.C. §122(b)(2)(B)(iii) and 37 C.F.R. §1.213(c). Applicants use of the original form PTO/SB/36 (rev. 11-00) to both rescind the previous nonpublication request and to provide notice of foreign filing was unintentional.

3. A notice of foreign filing is attached herewith.

TT4244

PATENT

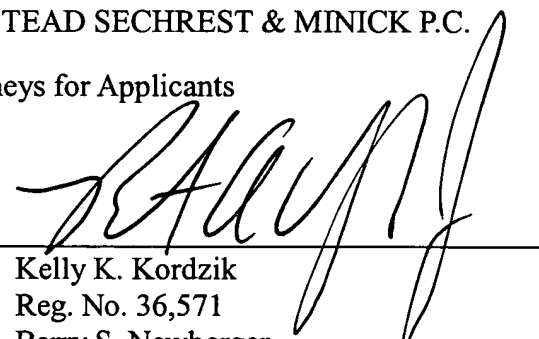
4. Applicants status is a large entity.
5. Please find enclosed a check for \$1,300.00.
6. If a petition to revive an abandoned application is not necessary, Applicants kindly request a refund in the amount of the above check.
7. If a petition to revive an abandoned application is necessary, Applicants kindly request a refund in the amount of the above check in consideration of Applicants relying upon USPTO's deficient form.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

Attorneys for Applicants

By: _____


Kelly K. Kordzik
Reg. No. 36,571
Barry S. Newberger
Reg. No. 41,527
Robert A. Voigt, Jr.
Reg. No. 47,159

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#9

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NOTICE OF FOREIGN FILING PURSUANT TO
35 U.S.C. §122(b)(2)(B)(iii)

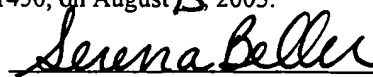
Mail Stop PG Pub
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby provide notice of a foreign or international filing of an application directed to the invention disclosed in the above-identified application pursuant to 35 U.S.C. §122(b)(2)(B)(iii) and 37 C.F.R. §1.213(c).

CERTIFICATION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop PG Pub Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on August 13, 2003.



Signature

Serena Beller

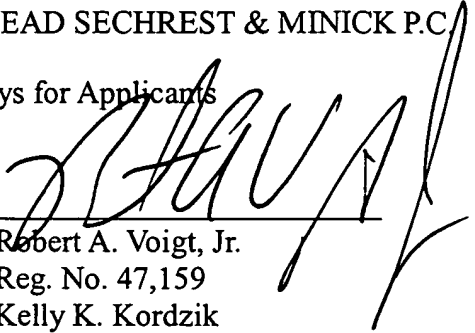
(Printed name of person certifying)

Respectfully submitted, .

WINSTEAD SECHREST & MINICK P.C.

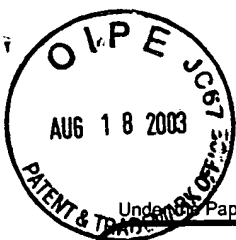
Attorneys for Applicants

By: _____


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PTO/SB/21 (08-00)
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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/879,256
Filing Date	06/11/2001
First Named Inventor	Daniel Mann
Group Art Unit	2152
Examiner Name	Not Yet Assigned
Attorney Docket Number	TT4244

Total Number of Pages in This Submission **6****ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Notice of Foreign Filing; and Postal Receipt Card
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Robert A. Voigt Jr., Reg. No. 47,159
Signature	
Date	08/13/2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

August 13, 2003

Typed or printed name	Serena Beller		
Signature		Date	08/13/2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,300.00

Complete if Known

Application Number	09/879,256
Filing Date	06/11/2001
First Named Inventor	Daniel Mann
Examiner Name	To Be Assigned
Art Unit	2152
Attorney Docket No.	TT4244

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OFFICE OF PETITIONS

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 23-2426
Deposit Account Name: Winstead Sechrest & Minick P.C.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims: -20** = X =
Independent Claims: -3** = X =
Multiple Dependent: =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	1,300.00
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 1,300.00

SUBMITTED BY

Name (Print/Type)	Robert A. Voigt Jr.	Registration No. (Attorney/Agent)	47,159	Telephone	512-370-2832
Signature		Date	August 13, 2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.